

**United States**  
**Circuit Court of Appeals**  
**For the Ninth Circuit.**

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YEE CHEE SHIM,

Appellant,

vs.

EDWARD WHITE, as United States Commissioner of Immigration at the Port of San Francisco, California,

Appellee.

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**Transcript of Record.**

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Upon Appeal from the Southern Division of the  
United States District Court for the  
Northern District of California,  
First Division.

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**Filed**

SEP 6 - 1917

**F. D. Monckton,**  
Clerk.



**United States**  
**Circuit Court of Appeals**  
**For the Ninth Circuit.**

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# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	Page
Assignment of Errors on Appeal from District Court .....	14
Attorneys of Record, Names and Addresses of..	1
Bond Pending Determination of Appeal.....	19
Certificate of U. S. District Court to Transcript on Appeal .....	25
Citation on Appeal—Copy .....	18
Cost Bond on Appeal .....	21
Demurrer to Petition for Writ of Habeas Corpus .....	8
Names and Addresses of Attorneys of Record..	1
Notice of Appeal .....	17
Opinion and Order Sustaining Demurrer to and Denying Petition for a Writ of Habeas Corpus .....	10
Order Allowing Petition for Appeal .....	12
Order Extending Time to and Including August 15, 1917, to File Record and Docket Cause..	24
Order Extending Time to and Including September 15, 1917, to File Record and Docket Cause .....	25
Order Sustaining Demurrer to Petition for Writ .....	9
Order to Show Cause .....	7

Index.	Page
Petition for Appeal .....	11
Petition for Writ of Habeas Corpus.....	2
Praecipe for Transcript of Record.....	1
Stipulation and Order Transmitting Original Immigration Record .....	23

**Names and Addresses of Attorneys of Record.**

JOHN L. McNAB, Esq., and TIMOTHY HEALY,  
Esq., Attorneys for Petitioner and Appellant.  
U. S. ATTORNEY, Attorney for Respondent and  
Appellee.

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*In the United States District Court for the Northern  
District of California.*

No. 16,136.

In the Matter of the Petition of YEE CHEE SHIM,  
for Writ of Habeas Corpus.

**Praeipice for Transcript of Record.**

To Walter Maling, Esq., Clerk of the United States  
District Court, San Francisco, California.

You will please prepare the record for transcript  
on appeal in the above-entitled action as follows:

1. Petition for writ of habeas corpus.
2. Demurrer to petition for writ of habeas corpus.
3. Minute order sustaining demurrer to petition for writ, and order dismissing the writ and remanding petitioner;
4. Petition for leave to appeal;
5. Order allowing appeal;
6. Assignment of errors;
7. Judge's opinion dismissing writ;
8. Notice of appeal;
9. Bond on appeal;
10. Citation on appeal;
11. Stipulation between counsel for petitioner

and United States attorney to the sending up of the Immigration record in the above-entitled case;

12. Order extending time to docket cause and file record;

13. Clerk's certificate to transcript of record.

J. L. McNAB,

Attorney for Petitioner.

[Endorsed]: Filed Jun. 29, 1917. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [1\*]

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*In the District Court of the United States, in and  
for the Northern District of California, First  
Division.*

(No. 16,136.)

In the Matter of the Application for Writ of Habeas  
Corpus on Behalf of YEE CHEE SHIM.

**Petition for Writ of Habeas Corpus.**

Your petitioner Chew Yee, being duly sworn on oath, deposes and says:

That he is the next friend and member of the family of Yee Chee Sim and makes this petition on behalf of said Yee Chee Shim. That said Yee Chee Shim is unlawfully imprisoned and restrained of his liberty by Edward White, Commissioner of Immigration in the City and County of San Francisco, in said District, under and by virtue of a warrant of deportation heretofore issued by the Secretary of Labor of the United States. That petitioner is unable to attach a copy of said warrant of deportation

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\*Page-number appearing at foot of page of original certified Transcript of Record.



for the reason that petitioner is informed by the said Edward White, Commissioner of Immigration, that the record in the case of the said Yee Chee Shim is in Arizona, and is not in the possession of the said Commissioner of Immigration in the City and County of San Francisco.

That petitioner has nevertheless ordered a copy of said warrant and all other papers in said record and will immediately on receipt thereof file the same in this court.

That said imprisonment and restraining of the liberty of the said Yee Chee Shim is unlawful in this:

I. That the said Secretary of Labor of the U. S. had no jurisdiction over the person of Yee Chee Shim and no jurisdiction or authority to issue said warrant.

II. That said Secretary of Labor exceeded his jurisdiction and authority in issuing said warrant of deportation. [2]

III. That said warrant of deportation is void in this: It fails to state any ground or reason for the arrest or deportation of said Yee Chee Shim and contains a mere general allegation that said Yee Chee Shim is a person unlawfully within the U. S. but sets forth no allegation or statement of fact in support thereof.

IV. That the said Yee Chee Shim was not given a fair and impartial trial and hearing by the Immigration Officials of the U. S. prior to the issuing of said warrant of deportation and upon which said warrant is purported to be based, all of which will more fully appear by the record of the testimony and

proceedings given and adduced at said hearing; which said record has been ordered by your petitioner and will be filed in this proceeding. That among other reasons why your petitioner was not given a fair and impartial trial and hearing in said matter your petitioner alleges as follows:

That all of the evidence taken on behalf of the Government at said hearing was produced by affidavits made by persons who did not appear at the hearing and that neither Yee Chee Shim or his attorney had any opportunity to be confronted by said witnesses or to cross-examine them, but said witnesses testified by making an affidavit, without the knowledge of the said Yee Chee Shim and without notice to him and without opportunity given to the said Yee Chee Shim or his attorney to cross-examine said witnesses or to know that said witnesses would be permitted to testify or to be called as witnesses.

V. That the said Yee Chee Shim is an alien of Chinese birth and belonging to the class of exempt aliens, to wit, a Chinese merchant who is actually residing within the United States as a *bona fide* merchant and has for a long time since resided within the United States as a *bona fide* merchant actually engaged at the time of his arrest as such a merchant and as such recognized by the U. S., [3] and said Yee Chee Shim asserts that he has a right to remain in the United States at the present time; that the hearing upon which the order of deportation was based was unfair in this:

That the said Yee Chee Shim was not permitted to cross-examine or be confronted with the witnesses

testifying for the Government but said witnesses were examined at the final hearing without the presence of the said Yee Chee Shim or his attorney and said evidence adduced at said hearing is wholly inadmissible and incompetent to prove that the said Yee Chee Shim was not a *bona fide* merchant, lawfully within the U. S. and said evidence taken at said hearing wholly failed to support or justify the order of deportation of said Yee Chee Shim.

Your petitioner further alleges that he has requested the preparation and production of the entire record in support of the foregoing facts and the entire record in said case but is informed by the Commissioner of Immigration at the City and County of San Francisco that said commissioner is unable to supply the same because the record is in Arizona. Your petitioner has ordered said record by telegraph and offered to pay for the making of the same and will immediately, on its receipt, produce the same in court in support of the allegations of this petition.

Your petitioner alleges that the Commissioner of Immigration in San Francisco intends to deport the said Yee Chee Shim to China by the vessel sailing December 22d and there is not sufficient time to procure the said record before that date.

WHEREFORE, your petitioner prays that a writ of habeas corpus be issued directed to said Edward White, Commissioner of Immigration at San Francisco, California, in order that the cause of detention of said Yee Chee Shim may be inquired into and that,

in the meantime the deportation of said Yee Chee Shim be stayed.

J. L. McNAB and  
TIMOTHY HEALY,  
Attorneys for Petitioner. [4]

State of California,  
City and County of San Francisco,  
Northern District of California,—ss.

CHEW YEE, being first duly sworn, deposes and says:

That he is the petitioner named in the foregoing petition; that he has heard read the said petition and knows the contents thereof and that the same is true of his own knowledge and belief, except as to those matters which are therein stated on information and belief and as to those matters he believes it to be true.

(Chinese Characters.) CHEW YEE.

Subscribed and sworn to before me this 21st day of December, 1916.

[Seal] J. D. BROWN,  
Notary Public in and for the City and County of  
San Francisco, State of California.

Chew Yee, being unable to speak English fluently, I swore T. J. Gintgee to act as interpreter and to well and truly translate from the English language into Chinese and Chinese into English.

[Seal] J. D. BROWN,  
Notary Public.

[Endorsed]: Filed Dec. 21, 1916. W. B. Maling,  
Clerk. By T. L. Baldwin, Deputy Clerk. [5]

*In the District Court of the United States, in and  
for the Northern District of California, First  
Division.*

In the Matter of the Application for Writ of Habeas  
Corpus on Behalf of YEE CHEE SHIM.

**Order to Show Cause.**

Upon consideration of the petition filed in the  
above-entitled cause it is ordered that the respondent,  
the Commissioner of Immigration at the port of San  
Francisco show cause in this court, in the courtroom  
thereof in the city and county of San Francisco, at  
10 o'clock A. M. on the 6 day of January, 1917, why  
the writ of habeas corpus should not issue as  
prayed for by the petitioner herein.

Let a copy of this order be served forthwith upon  
said respondent and upon the U. S. Attorney, for this  
district, and it is,

FURTHER ORDERED that deportation of said  
Yee Chee Shim be and the same is hereby stayed un-  
til further order of this Court.

Dated December 21st, 1916.

M. T. DOOLING,  
Judge of the District Court.

[Endorsed]: Filed Dec. 21, 1916. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [6]

*In the Southern Division of the United States District Court for the Northern District of California, First Division.*

No. 16,136.

In the Matter of the Application for Writ of Habeas Corpus on Behalf of YEE CHEE SHIM.

**Demurrer to Petition for Writ of Habeas Corpus.**

Now comes the respondent, Edward White, Commissioner of Immigration at the port of San Francisco, in the State and Northern District of California, and demurs to the petition for a writ of habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus, or for any relief thereon;

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony taken on the trial of the said applicant are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

JNO. W. PRESTON,

United States Attorney,

CASPER A. ORNBAUN,

Asst. United States Attorney,

Attorneys for Respondent.



[Endorsed]: Filed Jan. 20, 1917. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [7]

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At a stated term of the District Court of the United States, for the Northern District of California, held at the Courtroom thereof, in the City and County of San Francisco, State of California, on Thursday, the 12th day of April, in the year of our Lord one thousand nine hundred and seventeen. Present, the Honorable MAURICE T. DOOLING, Judge.

No. 16,136.

In the Matter of YEE CHEE SHIM, on Habeas Corpus.

**(Order Sustaining Demurrer to Petition for Writ.)**

Pursuant to opinion this day filed, it is ordered that the demurrer to the petition for a writ of habeas corpus heretofore submitted herein be, and the same is hereby sustained and said petition denied accordingly. [8]

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*In the Southern Division of the United States District Court for the Northern District of California, First Division.*

No. 16,136.

In the Matter of YEE CHEE SHIM, on Habeas Corpus.

**(Opinion and Order Sustaining Demurrer to and Denying Petition for a Writ of Habeas Corpus.)**

JOHN L. McNAB, Esq., and TIMOTHY HEALY, Esq., Attorneys for Petitioner.

JOHN W. PRESTON, Esq., United States Attorney, and CASPER A. ORNBAUN, Esq., Assistant United States Attorney, Attorneys for Respondent.

The petitioner here having confessedly arrived in this country within three years there is no doubt of the jurisdiction of the Department of Labor over his case. This being so the question is not present here that was passed on by the Court in the case of Owe Sam Goon, 230 Fed. 654, where the Court held that "Where the jurisdiction of the department depends upon the establishment of a certain fact, which fact, when established, takes the alien's case out of the jurisdiction of the courts of the United States where it is placed by the Chinese Exclusion Law, the Court is entitled to regard, not perhaps the weight of the evidence, but certainly the character of the evidence by which such transfer of jurisdiction is effected."

The use of affidavits where the jurisdiction of the department is not in question has been frequently upheld. I do not feel justified in holding otherwise at this late date.

The demurrer to the petition will therefore be sustained [9] and the petition itself denied.

April 12th, 1917.

M. T. DOOLING,  
Judge.



[Endorsed]: Filed Apr. 12, 1917. W. B. Maling,  
Clerk. By Lyle S. Morris, Deputy Clerk. [10]

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*In the Southern Division of the United States Dis-  
trict Court for the Northern District of Califor-  
nia, First Division.*

No. 16,136.

In the Matter of YEE CHEE SHIM, on Habeas  
Corpus.

**Petition for Appeal.**

Now comes Yee Chee Shim, defendant and appel-  
lant herein, and says:

That on the 12th day of April, 1917, the above-en-  
titled Court made and entered its judgment and  
order dismissing the petition of defendant for a writ  
of habeas corpus and affirming the judgment of the  
commissioner ordering he defendant deported, in  
which said judgment and order in the above-entitled  
cause certain errors were made to the prejudice of  
the appellant herein, all of which are more fully ap-  
pealed from in the assignment of errors filed herein.

Therefore this appellant prays that an appeal may  
be granted in his behalf to the U. S. Circuit Court of  
Appeals for the Ninth Circuit thereof, for the cor-  
rection of the errors so complained of, and to reverse,  
annul and set aside the said order and judgment  
made and entered in the premises on the 12th day of  
April, 1917; and further that a transcript of the rec-  
ord, proceedings and papers in the above-entitled  
cause, as shown by the praecipe duly authenticated,  
may be sent and transmitted to the U. S. Circuit

Court of Appeals for the Ninth Circuit thereof.

Dated San Francisco, May 6, 1917.

J. L. McNAB,

Attorney for Defendant and Appellant. [11]

Service of the within petition for appeal is hereby admitted this 7th day of May, 1917.

JOHN W. PRESTON,

U. S. Attorney, Atty. for Respondent.

[Endorsed]: Filed May 7, 1917. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [12]

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*In the Southern Division of the United States District Court, for the Northern District of California, First Division.*

No. 16,136.

In the Matter of YEE CHEE SHIM, on Habeas Corpus.

**Order Allowing Petition for Appeal.**

On this 7th day of May, 1917, came Yee Chee Shim, defendant herein, by his attorney John L. McNab, and having previously filed herein and presented to this Court his petition praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by him, and praying also that a transcript of the record and proceedings and papers upon which the judgment and order herein was rendered, duly authenticated, may be sent and transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other

and further proceedings may be had in the premises as may seem proper.

On Consideration Whereof, the Court hereby allows the appeal hereby prayed for, and orders that the said defendant Yee Chee Shim be admitted to bail pending said appeal in the sum of three thousand (\$3,000) dollars, conditioned as the law directs;

AND IT IS HEREBY FURTHER ORDERED that upon said defendant giving such bail in the aforesaid amount of \$3,000 he may, upon surrendering himself and executing a new bond in the sum of \$3,000, apply to have his sureties on the present bond duly exonerated.

AND IT IS FURTHER ORDERED that upon said defendant giving [13] such bond in the aforesaid amount of \$3,000, execution and remand and all proceedings on said judgment hereby appealed from and all proceedings for deportation on the order of the U. S. Commissioner be, and the same are hereby stayed during the pendency of the appeal taken herein, provided that said appeal be docketed in the Circuit Court of Appeals in the October term and that said defendant do not depart the jurisdiction of the said Circuit Court of Appeals but remain and abide by whatever judgment shall finally be entered herein.

AND IT IS HEREBY FURTHER ORDERED that the bond for costs be the same as hereby fixed in the sum of \$100.

M. T. DOOLING,  
United States District Judge.

Dated San Francisco, May 7th, 1917.

Service of the within order allowing petition for appeal is hereby admitted this 7th day of May, 1917.

JOHN W. PRESTON,

U. S. Atty.,

Atty. for Respondent.

[Endorsed]: Filed May 7, 1917. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [14]

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*In the Southern Division of the United States District Court, for the Northern District of California, First Division.*

No. 16,136.

In the Matter of YEE CHEE SHIM, on Habeas Corpus.

**Assignment of Errors on Appeal from District Court.**

Now comes Yee Chee Shim, appellant herein, by his attorney John L. McNab, in connection with his petition for an appeal, and assigns the following errors, which he avers occurred at the hearing of the above-entitled cause and upon which he will rely on appeal to the U. S. Circuit Court of Appeals for the Ninth Circuit, to wit:

I.

The District Court erred in holding and deciding that the petitioner was within the jurisdiction of the Department of Labor and that said Department of Labor had the power to deport appellant.

II.

The District Court erred in holding and deciding that the entry of petitioner on his return to America, after prior departure within three years, gave exclusive jurisdiction to the Department of Labor over appellant.

III.

The District Court erred in deciding and holding that petitioner having entered within three years, the United States District Court was without jurisdiction to extend relief on habeas corpus.

IV.

The District Court erred in holding and deciding that there was a fair hearing in the petitioner's case.  
[15]

V.

The District Court erred in holding and determining that the use of ex parte affidavits, without the presence of defendant and without opportunity on his part to be present and cross-examine witnesses, was lawful.

VI.

The District Court erred in holding and determining that the immigration officers had the right to use ex parte affidavits to afford evidence on which to deport defendant and petitioner.

VII.

The District Court erred in holding and determining any officer charged with the deportation of defendant and appellant had the right to consider ex parte affidavits taken without notice to the applicant.

## VIII.

The District Court erred in sustaining the demurrer to the petition and denying the petition for all the reasons set forth in assignments I to VII inclusive.

## IX.

The District Court erred in holding and determining that the Immigration Authorities had the power, by the use of *ex parte* affidavits and under the facts shown, to deport the defendant and appellant.

WHEREFORE, the appellant prays that the judgment and order of the United States District Court in and for the Southern Division, Northern District thereof, First Division, made and entered herein in the office of the clerk of said court on the 12th day of April, 1917, affirming the judgment of the Commissioner, [16] and ordering defendant deported, be reversed, and the cause remanded, with instructions to discharge defendant from custody.

Dated San Francisco, California, this 6th day of May, 1917.

J. L. McNAB,

Attorney for Defendant and Appellant.

Service of the within assignment of errors on appeal from District Court is hereby admitted this 7th day of May, 1917.

JOHN W. PRESTON,

U. S. Attorney,

Atty. for Respondent.

[Endorsed]: Filed May 7, 1917. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [17]



*In the Southern Division of the United States District Court, for the Northern District of California, First Division.*

No. 16,136.

In the Matter of YEE CHEE SHIM, on Habeas Corpus.

**Notice of Appeal.**

To the clerk of the above-entitled court and to the Honorable John W. Preston, United States Attorney for the Northern District of California:

You and each of you will please take notice that Yee Chee Shim defendant herein, does hereby appeal to the U. S. Circuit Court of Appeals for the Ninth Circuit from the judgment and order made and entered herein on the 12th day of April, 1917, refusing to discharge the defendant and appellant and affirming the judgment of the United States Commissioner, ordering the defendant herein deported.

J. L. McNAB,

Attorney for Defendant and Appellant.

Dated San Francisco, California, May 14<sup>nd</sup>, 1917.

Service of the within notice of appeal is hereby admitted this 7th day of May, 1917.

JOHN W. PRESTON,

U. S. Atty.,

Atty. for Respondent.

[Endorsed]: Filed May 7, 1917. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [18]

**(Citation on Appeal—Copy.)**

United States of America,—ss.

The President of the United States, to Edward White, U. S. Commissioner of Immigration and John W. Preston, United States District Attorney for the Northern District of California, GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States District Court for the Northern District of California, wherein Yee Chee Shim, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable M. T. DOOLING, United States District Judge for the Northern District of California, this 7th day of May, A. D. 1917.

M. T. DOOLING,

United States District Judge.

Service of within by receipt of copy admitted this 7th day of May, 1917.

JNO. W. PRESTON,

U. S. Atty.,

Atty. for Respondent.



[Endorsed]: Filed May 7, 1917. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [19]

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(CHINESE PICTURE.)

*In the Southern Division, District Court of the  
United States for the Northern District of Cali-  
fornia, First Division.*

#16,136.

In the Matter of YEE CHEE SHIM, on Habeas  
Corpus.

**Bond Pending Determination of Appeal.**

BE IT REMEMBERED, that on this 8th day of May, 1917, before the undersigned, a United States Commisioner, duly appointed by the District Court of the United States, Southern Division, Northern District of California, to take acknowledgments of bail, etc. depending in the courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Yee Chee Shim, as principal, and the National Surety Company, organized and existing under the laws of the State of New York, authorized to become sole surety on bonds, undertakings, etc., as surety, and jointly and severally acknowledged themselves to be indebted to the United States of America in the sum of Three Thousand Dollars (\$3,000), lawful money of the United States, to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States of America.

The condition of the above recognizance is such

that, whereas, the Southern Division, District Court of the United States for the Northern District of California, First Division, in the matter pending in said court and in which a writ of habeas corpus was applied for on behalf of the said principal, did on the 12th day of April, 1917, make its order sustaining a demurrer to said petition and further ordered that said petition be denied and that the said petitioner be remanded; and whereas said court did on the 7th day of May, 1917 make its order that pending the determination of an appeal to the United States Circuit Court of Appeals for the Ninth [20] Circuit from said order, that said principal be released upon bond in the penal sum of Three Thousand Dollars (\$3,000);

NOW THEREFORE, if the said Yee Chee Shim, shall personally appear at the Southern Division, District Court of the United States for the Northern District of California, and the United States Circuit Court of Appeals for the Ninth Circuit, at any and all times or time he may be required to answer and render himself amenable to any and all further orders and processes in the premises, and not depart from the said courts without leave first obtained, and if ordered remanded into the custody whence taken, will surrender himself in execution thereof, then this recognizance shall be void, otherwise to remain in full effect and virtue.

YEE CHEE SHIM. (Seal)

[Seal] NATIONAL SURETY COMPANY.

By FRANK L. GILBERT,

Its Attorney in Fact.

Taken and acknowledged before me this 8th day of May, 1917.

[Seal]

FRANCIS KRULL,  
United States Commissioner for the Northern District of California at San Francisco.

Form of bond approved.

CASPER A. ORNBAUN,  
Assistant U. S. Attorney.

[Endorsed]: Filed May 8, 1917. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [21]

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*In the Southern Division, District Court of the  
United States for the Northern District of California,  
First Division.*

No. 16,136.

In the Matter of YEE CHEE SHIM, on Habeas  
Corpus.

**Cost Bond on Appeal.**

KNOW ALL MEN BY THESE PRESENTS:  
That we, Yee Chee Shim, as principal, and the National Surety Company, a New York corporation, having its principal place of business at the city of New York, New York, authorized under the provisions of act of Congress approved August 13, 1894, as amended by the Act of Congress approved March 23, 1910, to become sole surety upon recognizances, stipulations, bonds and undertakings, and licensed by the State of California, as sole surety, are held and firmly bound unto the United States of America in the full and just sum of One Hundred Dollars (\$100), to be paid to the United States of America, its certain

attorneys, executors, administrators or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, by these presents.

Sealed with our seals and dated this 8th day of May in the year of our Lord one thousand nine hundred and seventeen.

WHEREAS lately at a Southern Division, District Court of the United States for the Northern District of California, First Division, in a matter depending in said court, on petition for a writ of habeas corpus in behalf of said principal, a judgment and order was rendered by the said Court sustaining the demurrer to the said petition for writ of habeas corpus, denying the said petition and remanding the petitioner, and the said petitioner having obtained an order allowing an appeal to reverse the said judgment and order [22] in the aforesaid matter and a citation directed to the United States Attorney citing and admonishing him to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit to be holden at San Francisco, in the State of California; and

NOW, THEREFORE, the condition of the above obligation is such, that if the said Yee Chee Shim shall prosecute his appeal to effect, and answer all damages and costs if he fail to make good his plea,

then the above obligation to be void, else to remain in full force and virtue.

YEE CHEE SHIM. (Seal)

[Seal]

NATIONAL SURETY COMPANY.

By FRANK L. GILBERT,

Its Attorney in Fact.

Taken and acknowledged before me this 8th day of May, 1917.

[Commissioner's Seal.] FRANCIS KRULL.

[Endorsed]: Filed May 8, 1917. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [23]

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*In the United States District Court in and for the  
Northern District of California.*

No. 16,136.

In the Matter of the Petition of YEE CHEE SHIM,  
for Writ of Habeas Corpus.

**(Stipulation and Order Transmitting Original  
Immigration Record.)**

IT IS HEREBY STIPULATED in the above-entitled cause that the clerk of the District Court may transmit to the Court of Appeals on appeal in the above-entitled action, the original record used in the above-entitled cause as prepared by the Immigration Department, consisting of the warrant of arrest, testimony and proceedings had before the Immigration Inspector, and order for deportation of the Immigration Department, without the necessity

of incorporating the same in the printed transcript of record on appeal.

JNO. W. PRESTON,  
U. S. Attorney.  
J. L. McNAB,  
Attorney for Appellant.

Let order be made accordingly.

WM. H. HUNT,  
Judge.

[Endorsed]: Filed Jun. 29, 1917. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [24]

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*In the United States District Court in and for the  
Northern District of California.*

No. 16,136.

In the Matter of the Petition of YEE CHEE SHIM,  
for Writ of Habeas Corpus.

**Order Extending Time to and Including August 15,  
1917, to File Record and Docket Cause.**

GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the time within which the appellant in the above-entitled cause may file the record on appeal and docket the cause in the United States Circuit Court of Appeals for the Ninth Circuit, be and the same hereby is extended to and including the fifteenth day of August, 1917.

Dated San Francisco, June 22, 1917.

M. T. DOOLING,  
District Judge.



[Endorsed]: Filed Jun. 23, 1917. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [25]

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*In the United States District Court in and for the  
Northern District of California.*

No. 16,136.

In the Matter of the Petition of YEE CHEE SHIM,  
for Writ of Habeas Corpus.

**Order Extending Time to and Including September  
15, 1917, to File Record and Docket Cause.**

GOOD CAUSE APPEARING THEREFOR, it is  
hereby ordered that the time within which the ap-  
pellant in the above-entitled cause may file the  
record on appeal and docket the cause in the United  
States Circuit Court of Appeals for the Ninth Cir-  
cuit, be and the same hereby is extended to and  
including the fifteenth day of September, 1917.

Dated San Francisco, August 15th, 1917.

WM. H. HUNT,

District Judge.

[Endorsed]: Filed Aug. 15, 1917. W. B. Maling,  
Clerk. By C. M. Taylor, Deputy Clerk. [26]

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**Certificate of U. S. District Court to Transcript on  
Appeal.**

I, Walter B. Maling, Clerk of the District Court  
of the United States, for the Northern District of  
California, do hereby certify the foregoing 26 pages,  
numbered from 1 to 26, inclusive, to contain a full,  
true, and correct transcript of certain records and

proceedings, in the matter of Yee Chee Shim, on Habeas Corpus, No. 16,136, as the same now remain on file and of record in office of the Clerk of said District Court; said transcript having been prepared pursuant to and in accordance with the "Praeceptum for Record" (a copy of which is embodied in this transcript), and the instructions of the Attorneys for petitioner and appellant herein.

I further certify that the cost for preparing and certifying to the foregoing transcript on appeal is the sum of Eight Dollars and Sixty-five Cents (\$8.65) and that the same has been paid to me by the Attorneys for Appellant herein.

Annexed hereto is the original Citation on Appeal, issued herein, page 28.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 22d day of August, A. D. 1917.

[Seal]

WALTER B. MALING,

Clerk.

By C. M. Taylor,

Deputy Clerk.

CMT. [27]

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(Citation on Appeal—Original.)

UNITED STATES OF AMERICA,—ss:

The President of the United States, To EDWARD WHITE, U. S. Commissioner of Immigration, and JOHN W. PRESTON, United States District Attorney for the Northern District of California, GREETING:

You are hereby cited and admonished to be and



appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court for the Northern District of California, wherein Yee Chee Shim, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable M. T. DOOLING, United States District Judge for the Northern District of California, this 7th day of May, A. D. 1917.

M. T. DOOLING,

United States District Judge. [28]

Service of within by receipt of copy admitted this 7th day of May, 1917.

JNO. W. PRESTON,

U. S. Atty.,

Atty. for Respondent.

[Endorsed]: No. 16,163. United States District Court for the Northern District of California, First Division. Yee Chee Shim, Appellant, vs. Edward White, Com. and John W. Preston, U. S. Atty. Citation on Appeal. Filed May 7, 1917. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

[Endorsed]: No. 3044. United States Circuit Court of Appeals for the Ninth Circuit. Yee Chee Shim, Appellant, vs. Edward White, as United States Commissioner of Immigration at the Port of San Francisco, California, Appellee. Transcript of Record. Upon Appeal from the Southern Division of the United States District Court for the Northern District of California, First Division.

Filed August 30, 1917.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.